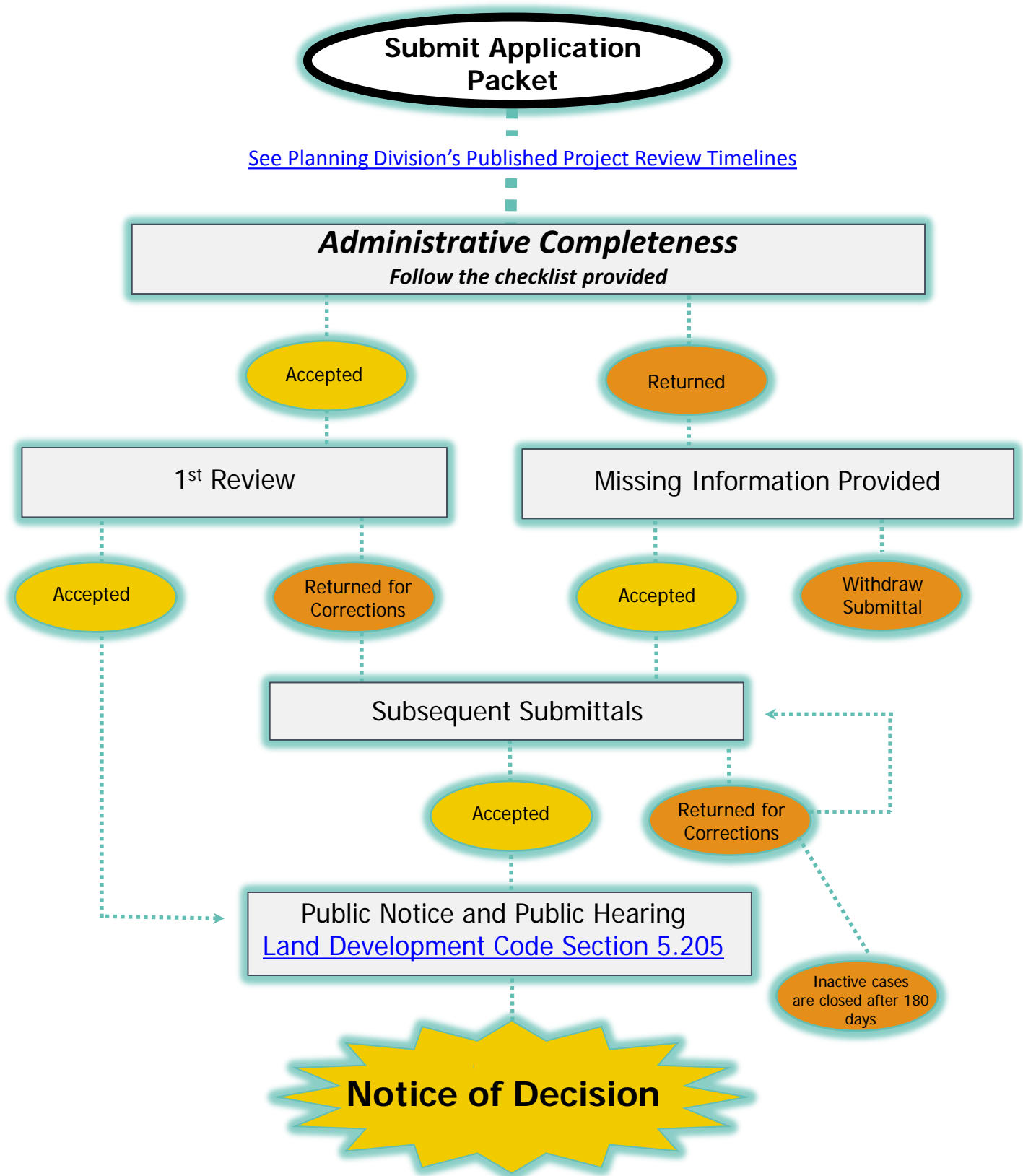


# Separation Fence Modification



# Separation Fence Modification

- Modifications to the requirement for separation fences may be approved by the Planning Commission between single family and multi-family residential districts or uses; single family residential uses adjacent to an arterial street, residential and nonresidential districts or uses; commercial and office districts or uses adjacent to a Light Industrial or General Industrial district and Public Facility/Institutional district adjacent to a single family residential or multi-family residential district or use.
- Approval for a Separation Fence Modification must meet the following **Findings of Fact**:
  - a. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;
  - b. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;
  - c. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;
  - d. The project is compatible with adjacent and nearby development;
  - e. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning; and
  - f. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.
- Useful Links on Gilbert's Planning & Development webpage:
  - [Development Fee Schedule](#)
  - [Planning Division Project Review Timelines](#)
  - [General Plan Character Area Map](#)
  - [Zoning and Land Development Code](#)
  - [Zoning Map Noting Overlay Zoning Districts](#)

## Separation Fence Modification

### Submittal Formatting, Required Materials and Checklist:

- ☐ Over the Counter Submittal:
  - ☐ **Submit electronic copy of ALL** required items on checklist. **(No 24" x 36")**
  - ☐ Submit a hard copy (8.5" x 11" or 11" x 17" only) of the entire packet with the electronic copy and payment. **(No 24" x 36")**
  - ☐ **Purge** images of unnecessary blocks and layers (single layer).
  - ☐ **Save each exhibit as a separate PDF per document naming below.**

#### Document Naming:

- ☐ Exhibit 1: Application
- ☐ Exhibit 2: Parcel/Aerial Map
- ☐ Exhibit 3: Project Narrative
- ☐ Exhibit 4: Title Report
- ☐ Exhibit 5: Site Plan
- ☐ Exhibit 6: Notarized Letters of Approval
- ☐ Exhibit 7: Structural Wall/Fence Details/Cross-Sections
- ☐ Exhibit 8: Neighborhood Notice

### Checklist

- ☐ **Exhibit 1: Application**
  - ☐ Must be fully completed and signed.
- ☐ **Exhibit 2: Parcel/Aerial Map**
  - ☐ Maricopa County Assessor Parcel Map (Highlight project area and provide parcel number(s).
- ☐ **Exhibit 3: Project Narrative**
  - ☐ Project Narrative should be typed in a 12pt font and no more than 5 pages in length;
  - ☐ Description of the proposed use and efforts to mitigate any potential impacts to adjacent properties;
  - ☐ Provide how the project complies with the General Plan, zoning requirements or any other adopted plans;
  - ☐ Information on how the proposed use conforms with the requirements, or standards prescribed by the Land Development Code and any other applicable local, State or Federal requirements.
  - ☐ Address how the proposal meets the six (6) Findings of Fact.
- ☐ **Exhibit 4: Title Report**
  - ☐ Current within the last three months.
- ☐ **Exhibit 5: Site Plan of Proposed Project Site**
  - ☐ Vicinity Map with the site and major streets noted;
  - ☐ Graphic scale, north arrow, exhibit date;
  - ☐ Location of the separation fence to be modified.
  - ☐ Dimension property lines, easements, alleys, private streets, adjacent rights-of-way, existing and future improvements, access points, signals, etc.;

- ☐ Project data table: existing zoning on site and adjacent property within 300 feet, gross and net acreage;
  - ☐ Location and size of any existing/proposed building(s) or structure(s);
  - ☐ Dimension location of required and proposed building setbacks and spaces between buildings;
  - ☐ Vehicular and pedestrian circulation, including ADA accessibility requirements;
  - ☐ Location and size of parking spaces, and the number of spaces required and provided;
  - ☐ Location of other existing and proposed improvements such as walls, hardscape, trash enclosures, outside storage, loading areas, mailboxes, etc.
- ☐ **Exhibit 6: Notarized Letters of Approval**
- ☐ Please refer to the Findings of Fact (letter e).
- ☐ **Exhibit 7: Structural Wall/Fence Details/Cross-Sections**
- ☐ Graphic scale, north arrow, exhibit date;
  - ☐ Existing wall elevation (cross-section if applicable);
  - ☐ Proposed wall cross-section and elevations;
  - ☐ Colors and materials;
  - ☐ Dimension;
  - ☐ Grades (if applicable).
- ☐ **Exhibit 8: Neighborhood Notice**
- ☐ Please refer to Section 5.602.A.3 of the Land Development Code for requirements;
  - ☐ A parcel map highlighting properties within 300 feet, Homeowners Associations and neighborhoods within 1000 feet of the property and the typed names and address of all property owners identified on parcel map (<http://mcassessor.maricopa.gov/>).



## Plan Type: Separation Fence Modification

Description (Proposal Name) \_\_\_\_\_

Address or Location: \_\_\_\_\_

Request Summary: \_\_\_\_\_

APN/Tax Parcel Numbers: \_\_\_\_\_

Gross/Net Acres: \_\_\_\_\_ Zoning: \_\_\_\_\_

General Plan Character Area: ☐ Santan ☐ Heritage District  
(if applicable) ☐ Gateway ☐ Morrison Ranch

Overlay Zoning District: ☐ Santan Freeway Corridor ☐ Phx/Mesa Gateway Airport  
☐ Vertical Development

### Property Owner: (All information must be provided)

Name (print): \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

City, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ ☐ Business ☐ Mobile ☐ Home ☐ Other

Signature\*: \_\_\_\_\_ Date: \_\_\_\_\_

\*If signature is not provided above, a letter of authorization from the property owner is required.

### Applicant/Contact: (All information must be provided)

Company: \_\_\_\_\_

Contact: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

City, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ ☐ Business ☐ Mobile ☐ Home ☐ Other

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Administrative Completeness Review

Staff will review the application to ensure all required documents and information has been included. If required information is missing, applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be conducted. Staff may also determine if the request does not fall under the purview of this application type.

#### **A.R.S. § 9-843. Prohibited acts by municipalities and employees; enforcement; notice**

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

Staff Use Only:  
Permit Number: \_\_\_\_\_